



City of Tualatin

www.tualatinoregon.gov

June 20, 2016

Mr. Al Mowbray
Metro Data Resource Center
600 NE Grand Avenue
Portland, OR 97232-2726

Subject: AN ORDINANCE ANNEXING TERRITORY LOCATED AT 18600 SW PACIFIC HIGHWAY INTO THE CITY OF TUALATIN AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT (TAX MAP 2S121A, TAX LOT 001100) (ANN-15-0002)

Dear Mr. Mowbray,

On June 13, 2016, the Tualatin City Council passed Ordinance 1392-16 annexing territory located at 18600 SW Pacific Highway (Tax Map 2S121A, Tax Lot 001100) into the City of Tualatin. You are receiving this notice pursuant to Metro Code 3.09.060(A).

Enclosed is a check from the applicant totaling \$250.00 for the Metro annexation fee, the Oregon Department of Revenue (DOR) Notice to Taxing Districts, the ordinance and its exhibits, a legal description, and an assessor's map certified by Washington County.

Please include this letter when Metro forwards the information to taxing districts and other necessary parties. A copy of it and its enclosures can be found online via <http://www.tualatinoregon.gov/planning/ann-15-0002-stein-oil-co>. I have sent this information via email with the exception of the check. If you have questions I can be reached at 503-691-3028 or ahurd-ravich@ci.tualatin.or.us.

Sincerely,

A handwritten signature in blue ink that reads "Aquilla Hurd-Ravich".

Aquilla Hurd-Ravich, AICP
Planning Manager

cont.

ANN-15-0002 Stein Oil Co
June 20, 2016
Page 2 of 2

enc (5): Check #45026 (via US Postal Service Only)
Oregon DOR Notice to Taxing Districts
Ordinance and Exhibits
Legal Description
Assessor's Map

cc: file ANN-15-0002 Stein Oil CO

Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@oregon.gov

Aquilla Hurd-Ravich
City of Tualatin
Community Development Dept.
18880 SW Martinazzi Ave.
Tualatin OR 97062-7092

Description and Map Approved
June 17, 2016
As per ORS 308.225

[x] Description [x] Map - Received from: Aquilla Hurd-Ravich
On: 6/16/2016

This is to notify you that your boundary change in Washington County for:
ANNEX to CITY OF TUALATIN; WITHDRAW FROM SPECIAL DISTRICT

ORD. # 1392-16 (ANN 15-0002) (Stein Woodburn LLC)

has been: [x] Approved 6/17/2016
[] Disapproved

Notes:

Department of Revenue File Number: 34-2220-2016

Reviewed by: Elise Bruch, 503-302-8353

Boundary: [x] Change [] Proposed Change

The change is for:

- [] Formation of a new district
[x] Annexation of a territory to a district
[x] Withdrawal of a territory from a district
[] Dissolution of a district

If you have not already done so, the approved version of the map(s), legal descriptions(s) and signed ordinance must also be filed with the County Assessor and Secretary of State

- [] Transfer
[] Merge
[] Establishment of Tax Zone

ORDINANCE NO. 1392-16

AN ORDINANCE ANNEXING TERRITORY LOCATED AT 18600 SW PACIFIC HIGHWAY INTO THE CITY OF TUALATIN AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT (TAX MAP 2S121A, TAX LOT 001100) (ANN-15-0002)

WHEREAS, Stein Woodburn LLC submitted a petition for an expedited annexation of property located at 18600 SW Pacific Highway (Tax Map 2S121A, Tax Lot 001100), hereafter called the "Property," into the City of Tualatin; and

WHEREAS, the City of Tualatin is authorized to annex territory under ORS Chapter 222 and through the expedited annexation process under Metro Code Chapter 3.09.045; and

WHEREAS, the annexation of the Property has been requested by 100 percent of the property owners, 100 percent of the electors, and qualifies for annexation under ORS 222.125; and

WHEREAS, Washington County has not opposed the annexation in accordance with the Urban Growth Management Agreement between the County and the City of Tualatin; and

WHEREAS, Metro does not oppose the annexation; and

WHEREAS, the Property is in the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District; and

WHEREAS, ORS 222.520(1) authorizes cities to withdraw territory from districts concurrent with the annexation decision; and

WHEREAS, Stein Woodburn LLC and the City entered into an *Annexation Agreement and Restrictive Covenant* to prevent gas station uses on the Property; and

WHEREAS, notice of public hearing on the annexation petition was given as required by Tualatin Development Code 31.077; and

WHEREAS, the Council conducted a public hearing on March 14, 2016, which was continued to May 23, 2016, where Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing Council determined the annexation is consistent with all applicable legal requirements of state law, Metro code, and City ordinances related to annexing property and voted to approve the application by unanimous vote;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Property identified in the legal description attached as Exhibit A, and as depicted on the map in Exhibit B, which are both incorporated by reference, is annexed to and made a part of the City of Tualatin provided Stein Woodburn LLC first records the *Annexation Agreement and Restrictive Covenant*.

Section 2. The analysis and findings in Exhibit C, which is incorporated by reference, are hereby adopted.

Section 3. After Stein Woodburn LLC records the *Annexation Agreement and Restrictive Covenant*, the City Recorder is directed to forward copies of this Ordinance to the Oregon Department of Revenue.

Section 4. Within five days of receipt of the required information from the Oregon State Department of Revenue, the City Recorder is directed to send copies of this Ordinance and the approval from the Oregon Department of Revenue to Metro for filing with the Oregon Secretary of State.

Section 5. The annexation of the Property is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180.

Section 6. On the effective date of the annexation, the Property is withdrawn from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

Section 7. The City Recorder is directed to forward copies of this ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

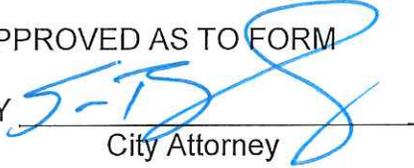
Section 8. The City of Tualatin endorses the annexation of the Property into the Clean Water Services District.

Adopted by the City Council this 13th day of June, 2016.

CITY OF TUALATIN, OREGON

BY  Mayor

APPROVED AS TO FORM

BY  City Attorney

ATTEST:

BY  City Recorder

Exhibit A
Ordinance No. 1392-16

Legal Description for annexation to the City of Tualatin

A parcel of land located in in the Northeast quarter of Section 21, Township 2 South, Range 1 West, Willamette Meridian described as follows:

Beginning at the Northwest corner of that land described in Washington County document 2011-81668, Thence North $60^{\circ} 11'$ East 368.7' m/l to the Northeast corner of said document, thence South $11^{\circ} 35'$ East 255.4' m/l to the North Right of way line of SW Pacific Highway, thence along the North line of SW Pacific Highway and its extension South $67^{\circ} 30'$ West 368.6' m/l to a point on the southerly extension of the east line of SW Cipole Road, thence along said east line North $8^{\circ} 31'$ West 208.1' m/l to the point of beginning.

ANNEXATION CERTIFIED

BY VF

DEC 30 2015

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT C

ORDINANCE NO. 1392-16 (ANN-15-0002)

ANALYSIS AND FINDINGS

The subject is a petition for annexation of a property known as the Stein Oil Company property and as Tax Lot 1100 on Washington County Assessor's Map 2S1 21A located at 18600 SW Pacific Highway and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District. The applicant is Dave Kimmel, President, PDG Planning Design Group, representing Stein Woodburn LLC, owners of the 2.05-acre Tax Lot 1100.

The City Council must find that the annexation conforms to Tualatin Development Code (TDC) Objectives 4.050(20) and (21), and the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (ORS; TDC 31.067[6]). The applicant submitted application materials that address the annexation requirements (Attachment 103), and staff reviewed the application materials and the applicant's response below.

A. Metro Code, 3.09.050(d) states that an approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.

Applicant Response: At this time there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider. This provision is not applicable.

Staff Response: There is no urban service provider agreement pursuant to ORS 195.065 that applies to the subject property. Therefore, there are no applicable provisions of an urban service agreement or annexation plan with which the proposed annexation can be reviewed for consistency.

This site is currently located within the Clean Water Services (CWS) boundary and will remain in the CWS boundary after annexation. The property will now conform to the 2005 Intergovernmental Agreement (IGA) and a 2015 Amendment between CWS and the City as per the agreement. Currently the site is vacant and does not have any utility improvements. The property would be served by City water and sewer. The site is not currently in a parks district, but would be served by the City Community Services Department upon annexation. The property will be removed from the Washington County Sheriff's Department patrols and will have City police service following annexation. The site is currently served by Tualatin Valley Fire and Rescue (TVF&R), and fire protection service would continue upon annexation. Sherwood School District 88J will continue to serve this property after annexation.

The criterion is not applicable.

2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.

Applicant Response: The subject property is within the portion of Washington County that is inside the acknowledged Tualatin Urban Boundary. Annexations within the established Urban Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County.

Staff Response: The subject property is within the portion of Washington County that is inside the acknowledged Tualatin Planning Boundary reflected by TDC [Map 9-1](#).

As required by the [Urban Planning Area Agreement \(UPAA\)](#) between the City of Tualatin and Washington County, staff notified the County of this proceeding via first class mail. Annexations within the established Planning Boundary are consistent with the UPAA. In accordance with TDC 1.030(6) and UPAA Section III(H), the subject property will automatically assume the General Commercial (CG) Planning District designation on the effective date of the annexation. Per UPAA Section III(G), the County does not oppose this annexation.

The criterion is met.

3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.

Applicant Response: Because the area to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary, services can be provided at the property owner's expense. This is consistent with Tualatin's Community Plan (Comprehensive Plan).

Staff Response: The applicable standards or criteria in the TDC for boundary changes are 4.050(20) and (21). TDC 4.060(1) is also relevant to boundary changes.

4.050(20) Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated "islands" of property surrounded by land annexed previously.

The subject property is within the Urban Growth Boundary (UGB) and will be within the General Commercial (CG) Planning District upon annexation. It is not planned for residential development. The criterion is not applicable.

4.050(21) Territories to be annexed shall be in the Metro Urban Growth Boundary.

The subject property is currently within the existing Metro UGB. The requirement is met.

4.060(1) A long-range growth boundary is necessary to predict the amount and location of urban land needed in the future. The establishment of this boundary provides a framework for the orderly conversion of rural land to urban uses. The growth boundary establishes the City's intent to annex and provide urban services to specific properties over a specific period of time. Thus, the growth boundary establishes the basis of a City annexation policy and provides landowners with some assurance as to the City's intent for the future use of their land.

4.060(1) is not a directly applicable standard or criteria for boundary changes, but is relevant. Because the annexation territory falls within the Urban Planning Area that accounts for future growth, the boundary is a long-range growth one, and the annexation is in support of the statement contained in TDC 4.060(1).

4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.

Applicant Response: The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation is consistent with the Framework and Functional Plans.

Staff concurs with the applicant's response. The criterion is met.

5) Whether the proposed change will promote or not interfere with the timely, orderly, and economic provisions of public facilities and services.

Applicant Response: All needed urban services are available as a result of previous development surrounding the subject property.

Staff Response: Potable water, sanitary sewer, and stormwater public lines are available from SW Pacific Drive and SW Cipole Road.

Pedestrian, cyclist, and vehicular access to the subject property is available via SW Pacific Drive, SW Cipole Road and SW Pacific Highway.

Following annexation and upon development, a developer will be required to construct stormwater management improvements for adequate treatment, detention and conveyance to serve the subject property. Staff informed the applicant about the availability of public facilities at the annexation pre-application meeting.

Future street rights-of-way (ROWs), including their functional classifications and prospective alignments, were established as part of the Tualatin Transportation System Plan (TSP), which is incorporated into TDC [Chapter 11](#). State of Oregon planning rules stipulate that the TSP must be based on the current comprehensive plan land use map and provide a transportation system that accommodates the expected 20-year growth in population and employment that will result from implementation of the land use plan. (The Tualatin Community Plan, which is Chapters 1-30 of the TDC, is the Tualatin comprehensive plan, and TDC Map 9-1 Community Plan Map is the comprehensive plan land use map.) Although actual alignment of roadways may be negotiated during development review, the general capacity needs and the associated alignments of the Tualatin transportation system have been established and planned for via the TDC. (Any existing and future local streets, collector or arterial roads, or highways or expressways that are in the general vicinity of the subject property have been established as part of the TSP.)

The general alignment and potential functional classification of such streets and roads can be found in TDC [Figure 11-1](#) Functional Classification and Traffic Signal Plan and [11-3](#) Local Street Plan. Though the annexation itself affects no public street needs, the City determines that because the street and road network and vehicular capacity planning has already been established as part of the TSP, future development will not interfere with the provision of this type of service in the area. The ability of the transportation to serve development on the subject property and the need for street improvements to serve this property would be determined in a land use process upon proposal of development.

The annexation process addresses the orderly provision of services and the adequacy and suitability of existing improvements on the subject property for existing and future development, as well as conformance with the Tualatin Development Code (TDC) and Tualatin Municipal Code (TMC).

Staff finds that because the subject property can be served by these public facilities, the annexation will not interfere with the timely, orderly and economic provision of public facilities and services.

The criterion is met.

6) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval.

Applicant Response: Not applicable because the subject property is already within the Metro jurisdictional boundary.

Staff Response: Because the subject site is already within both the Metro Service District Boundary and UGB, the criterion is not applicable.

7) Consistency with other applicable criteria for the boundary change in question under state and local law.

A traffic impact analysis addressed the Transportation Planning Rule Oregon Administrative Rule 660-012-0060.

Applicant Response: A Transportation Planning Rule (TPR) is required for the proposed development, since annexation of the subject property into the City of Tualatin will result in a change of zoning. The TPR is intended to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable portions of the TPR are quoted in *italics* below, with responses directly following.

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9), or (10) of this rule.

...
(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met:

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

The proposed zoning is consistent with the existing comprehensive plan map designation and will not change the comprehensive plan map. The City of Tualatin's zoning map indicated that the subject property is outside the city, but is included in the planning area and is designated as having future CG zoning. Tony Doran and the City of Tualatin have confirmed that the proposed zoning is consistent with the acknowledged TSP. The annexed property was not exempted from this rule upon amending the urban growth boundary.

Based on the analysis, the proposed zone change is in conformance with the City of Tualatin's Comprehensive Plan, and the levels of development allowable under the proposed CG zoning were already included in the City's planning model and the Transportation System Plan. Accordingly, the City of Tualatin may find that the proposed zone change does not significantly affect an existing or planned transportation facility, and the Transportation Planning Rule is satisfied.

Conclusions

Based on the operational analysis, the study area intersections are projected to operate within ODOT, Washington County, and City of Tualatin performance standards through year 2017 with or without full build-out of the proposed development. At the year 2035 planning horizon, the unsignalized intersections are projected to continue to operate acceptably either with or without the addition of site trips from the proposed zone change. The signalized intersection of SW Pacific Highway at SW Cipole Road is projected to operate with volumes exceeding capacity during the peak hours.

Based on the queuing analysis, the projected 95th percentile queues at the study area intersections are provided adequate vehicle storage space and queues are not projected to back up to adjacent intersections. Therefore, no queuing-related mitigations are recommended.

Left-turn lane warrants are not projected to be met for any of the study area intersections along SW Pacific Drive under any of the year 2017 analysis scenarios.

Right turn lane warrants are projected to be met for the proposed right-in site access along SW Pacific Highway under 2017 build-out conditions.

Due to insufficient main and side-street traffic volumes, traffic signal warrants will not be met for any of the unsignalized study area intersections under any of the year 2017 analysis scenarios.

Based on detailed analysis, adequate sight distance is projected to be available for the proposed site access along SW Pacific Drive. No sight distance mitigations are necessary or recommended.

Based on the most recent five years of crash data at the study area intersections crash rates are relatively low, crash severity was relatively low, and no significant crash patterns are evident. The crash data does not appear to be indicative of any significant safety hazards. Accordingly, no safety mitigations are recommended.

Based on the analysis, the proposed zone change is in conformance with the City of Tualatin's Comprehensive Plan, and the levels of development allowable under the proposed CG zoning were already included in the City's planning model and the Transportation System Plan. Accordingly, the City of Tualatin may find that the proposed zone change does not significantly affect an existing or planning transportation facility, and the Transportation Planning Rule is satisfied.

Staff Response: The discussion and findings provided by the applicant are generally with consistent with staff's review. The General Commercial (CG) planning district and the potential uses were already included in the City's planning model and the Transportation System Plan. Staff finds that the proposed zone does not significantly affect an existing or planned transportation facility, and the Transportation Planning Rule is satisfied. The area in which staff has a different view is the assertion of a zone change. The Oregon Department of Transportation views this property as changing from its current status under County zoning as FD-10 (Future Development 10-acre District) to a proposed zone of General Commercial upon successful annexation. Neither the City nor the applicant is proposing a Plan Map Amendment as part of this application. If the annexation is successful then the property will assume a predetermined Planning District of General Commercial.

The Transportation Planning Rule is satisfied.

Applicant Response: No other criteria have been determined to be applicable.

Staff Response: Two other items in Oregon Revised Statutes Chapter 222 *City Boundary Changes; Mergers; Consolidations and Withdrawals* apply to annexations.

ORS 222.111(1) states, "When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies."

The subject property is not currently within a city and is contiguous to Tualatin city limits on all sides.

This requirement is met.

ORS 222.520(1) states, "Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district."

The subject territory is in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject territory will be withdrawn from the Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The City of Tualatin will provide police services. Because the proposed boundary change is consistent with state and local law, the requirement is met.

The criterion is met.

B. Metro 3.09.050(g) states that, "Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to the city or included in territory proposed for incorporation into a new city."

The subject property is currently within the Metro UGB and was so at the time the petition for annexation was filed on September 21, 2015.

The requirement is met.

C. Conclusion

Based on the application and the above analysis and findings, the approval criteria of Metro Code 3.09.050(d), the Tualatin Development Code, and Oregon Revised Statutes are met.